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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,573	07/13/2001	John Aram Safa	SWIN 2275	2842
7812	7590	01/31/2006	EXAMINER	
SMITH-HILL AND BEDELL, P.C. 16100 NW CORNELL ROAD, SUITE 220 BEAVERTON, OR 97006			HENNING, MATTHEW T	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/905,573

Applicant(s)

SAFA, JOHN ARAM

Examiner

Matthew T. Henning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1 This action is in response to the communication filed on 11/21/2005

2 **DETAILED ACTION**

3 ***Continued Examination Under 37 CFR 1.114***

4 A request for continued examination under 37 CFR 1.114, including the fee set forth in  
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is  
6 eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)  
7 has been timely paid, the finality of the previous Office action has been withdrawn pursuant to  
8 37 CFR 1.114. Applicant's submission filed on 11/21/2005 has been entered.

9 ***Response to Arguments***

10 Applicant's arguments with respect to claims 27-48 have been considered but are moot in  
11 view of the new ground(s) of rejection.

12 Claims 1-26 have been cancelled and claims 27-48 have been examined.

13 ***Claim Rejections - 35 USC § 102***

14 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
15 basis for the rejections under this section made in this Office action:

16 A person shall be entitled to a patent unless –

17 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed  
18 in the United States before the invention by the applicant for patent or (2) a patent granted on an application for  
19 patent by another filed in the United States before the invention by the applicant for patent, except that an  
20 international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this  
21 subsection of an application filed in the United States only if the international application designated the United  
22 States and was published under Article 21(2) of such treaty in the English language.

23  
24 Claims 27-29, 33, 36, and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated  
25 by Krishnan et al. (US Patent Number 6,141,698) hereinafter referred to as Krishnan.

26 Regarding claim 27, Krishnan disclosed a computer readable medium having an  
27 executable application recorded thereon (See Krishnan Fig. 12), the executable application

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1 comprising a program (See Krishnan Fig. 12 Element 1201 and Col. 13 Paragraph 1), one or  
2 more encrypted sub-routines (See Krishnan Fig. 12 Element 1203 and Col. 13 Paragraph 1), and  
3 a decryption routine (See Krishnan Col. 16 Paragraph 2), wherein the program is executed in  
4 response to execution of the executable application, the program requires access to the sub-  
5 routines during execution, and the decryption routine is operable to decrypt the encrypted sub-  
6 routines into an executable form, at least when access to the sub-routines is required by the  
7 program (See Krishnan Col. 16 Paragraph 2 – Col. 17 Paragraph 1).

8       Regarding claim 43, Krishnan disclosed a method of installing a piece of computer  
9 software, comprising: 1. providing an executable application which includes a program, one or  
10 more encrypted sub-routines, and a decryption routine operable to decrypt the encrypted sub-  
11 routines into an executable form, wherein the program requires access to the sub-routines during  
12 execution and the decryption routine decrypts the encrypted sub-routines into an executable form  
13 at least when access is required by the program (See the rejection of claim 27 above), 2.  
14 installing the executable application (See Krishnan Col. 4 Paragraph 3), 3. commencing  
15 execution of said program (See Krishnan Col. 3 Line 58 – Col. 4 Line 16), 4. operating the  
16 decryption routine to decrypt the encrypted copy of the sub-routines (See Krishnan Col. 4  
17 Paragraph 2), and 5. installing the decrypted copies of the sub-routines for access by said  
18 program (See Krishnan Col. 4 Paragraph 2).

19       Regarding claims 28 and 44, Krishnan disclosed that the decryption routine is executed  
20 whenever the program is executed so as to recreate the sub-routines in executable form on each  
21 occasion (See Krishnan Col. 3 Line 58 – Col. 4 Line 16).

Regarding claim 29, Krishnan disclosed that the decryption routine makes an entry in an address table to identify the location of a sub-routine decrypted by the decryption routine, the address table being accessible by the program for locating sub-routines for access when required (See Krishnan Col. 12 Line 48 – Col. 13 Line 4).

Regarding claim 33, Krishnan disclosed that the executable application further incorporates an encrypted copy of the program, the decryption routine being operable to decrypt the encrypted copy of the program into an executable form (See Krishnan Fig. 10 and associated text).

Regarding claim 36, see the rejection of claim 27 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

Claims 30-32, 37-40, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan as applied to claim 27 above, and further in view of Bell et al. (US Patent Number 5,727,205) hereinafter referred to as Bell.

Regarding claim 37, Krishnan disclosed a computer system operable to execute an executable application, the system including: first store means containing computer readable code representing the executable application; and loading means operable to load the code of the

1 executable application for execution, the executable application comprising: a program which  
2 requires access to one or more sub-routines during execution, the sub-routines required by the  
3 program in encrypted form; identifying means operable to identify the sub-routines required by  
4 the program during execution thereof; and second loading means operable to decrypt and load  
5 one or more encrypted sub-routines (See the rejection of claim 27 above) but failed to disclose  
6 second store means containing computer readable code representing one or more sub-routines;  
7 loading from the second store means the sub-routines identified by the identifying means and  
8 loading the encrypted subroutines in the event that sub-routines identified by the identifying  
9 means are not contained in the second store means.

10 Bell teaches a system for installing an application and its subroutines in which during  
11 installation, the local system is checked to see a subroutine already exists on the system and if so  
12 if the version is newer than the installation subroutine. If it is not newer or does not exist the  
13 subroutine is installed by the installation routine (See Bell Col. 9 Paragraphs 2-3).

14 It would have been obvious to the ordinary person skilled in the art at the time of  
15 invention to employ the teachings of Bell in the application system of Krishnan by checking for  
16 local copies of the encrypted subroutines prior to decrypting them and only decrypting them if  
17 there is not a local copy. This would have been obvious because the ordinary person skilled in  
18 the art would have been motivated to prevent unnecessary processing to decrypt a subroutine that  
19 was already available in the system.

20 Regarding claims 30 and 45, see the rejection of claim 37 above.

21 Regarding claims 31 and 39, the combination of Krishnan and Bell disclosed that the  
22 decryption routine is operable to incorporate within the address table an address for a sub-routine

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1 already available, the address table being accessible by the program for locating sub-routines for  
2 access when required, whereby decryption of a further copy of the sub-routine is not required  
3 (See Krishnan Col. 12 Line 48 – Col. 13 Line 4 and the rejection of claim 37 above).

4 Regarding claims 32, 40, and 46, the combination of Krishnan and Bell disclosed that the  
5 decryption routine is operable to discriminate between different versions of a sub-routine and to  
6 decrypt an encrypted version of the sub-routine in the event that only a different version is  
7 available within the system (See the rejection of claim 37 above).

8 Regarding claim 38, see the rejection of claim 28 above.

9 Claims 34, 41, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the  
10 combination of Krishnan and Bell as applied to claim 37 above, and further in view of Shen (US  
11 Patent Number 6,611,850).

12 The combination of Krishnan and Bell disclosed providing a copy of the application (See  
13 Rejection of claim 12 above) but failed to disclose providing an encrypted backup copy of the  
14 application to be decrypted and installed in the event that the original application was missing or  
15 determined to be corrupt.

16 Shen teaches a method for protecting files by providing a backup encrypted copy of the  
17 file which is decrypted in the event that that original file is missing or corrupt (See Shen Col. 3  
18 Lines 5-24).

19 It would have been obvious to the ordinary person skilled in the art at the time of  
20 invention to employ the teachings of Shen in the installation system of Krishnan and Bell by  
21 creating an encrypted backup file of the application and using the backup to restore the  
22 application in the event that the file was found to be missing or corrupt. This would have been

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1 obvious because the ordinary person skilled in the art would have been motivated to provide  
2 protection against accidental deletion of the application, malfunction, or infection by a computer  
3 virus.

4 Claims 35, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
5 Krishnan as applied to claims 27 and 43 above, and further in view of Weiss (US Patent Number  
6 5,479,512).

7 Krishnan disclosed providing encrypted subroutines in an application (See the rejection  
8 of claim 27 above), but failed to disclose that the encryption could include compression.

9 Weiss teaches that encryption and compression can be combined and that compression  
10 should be utilized to minimize the size of data (See Weiss Background).

11 It would have been obvious to the ordinary person skilled in the art at the time of  
12 invention to employ the teachings of Weiss in the application encryption system of Krishnan by  
13 using concryption in place of encryption. This would have been obvious because the ordinary  
14 person skilled in the art would have been motivated to reduce the size of the application.

15 Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan and  
16 Bell as applied to claim 37 above, and further in view of Weiss (US Patent Number 5,479,512).

17 Krishnan disclosed providing encrypted subroutines in an application (See the rejection  
18 of claim 27 above), but failed to disclose that the encryption could include compression.

19 Weiss teaches that encryption and compression can be combined and that compression  
20 should be utilized to minimize the size of data (See Weiss Background).

21 It would have been obvious to the ordinary person skilled in the art at the time of  
22 invention to employ the teachings of Weiss in the application encryption system of Krishnan by



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1 using concryption in place of encryption. This would have been obvious because the ordinary  
2 person skilled in the art would have been motivated to reduce the size of the application.

3 *Conclusion*

4 Claims 27-48 have been rejected.

5 Any inquiry concerning this communication or earlier communications from the  
6 examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.  
7 The examiner can normally be reached on M-F 8-4.

8 If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
9 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the  
10 organization where this application or proceeding is assigned is 571-273-8300.

11 Information regarding the status of an application may be obtained from the Patent  
12 Application Information Retrieval (PAIR) system. Status information for published applications  
13 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished  
14 applications is available through Private PAIR only. For more information about the PAIR  
15 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR  
16 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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27 1/26/2006

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